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EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 02nd March, 2020:—

BILL NO. 55 OF 2020

A Bill further to amend the Medical Termination of Pregnancy Act, 1971.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Medical Termination of Pregnancy (Amendment) Act, 2020. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

34 of 1971.

2. In the Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as the principal Act), in section 2,— Amendment of section 2.

(i) after clause (a), the following clause shall be inserted, namely:—

'(aa) "Medical Board" means the Medical Board constituted under sub-section (2C) of section 3 of the Act;'

(ii) after clause (d), the following clause shall be inserted, namely:—

'(e) "termination of pregnancy" means a procedure to terminate a pregnancy by using medical or surgical methods.'

Amendment
of section 3.

3. In section 3 of the principal Act, for sub-section (2), the following sub-sections shall be substituted, namely:—

"(2) Subject to the provisions of sub-section (4), a pregnancy may be terminated by a registered medical practitioner,—

(a) where the length of the pregnancy does not exceed twenty weeks, if such medical practitioner is, or

(b) where the length of the pregnancy exceeds twenty weeks but does not exceed twenty-four weeks in case of such category of woman as may be prescribed by rules made under this Act, if not less than two registered medical practitioners are,

of the opinion, formed in good faith, that—

(i) the continuance of the pregnancy would involve a risk to the life of the pregnant woman or of grave injury to her physical or mental health; or

(ii) there is a substantial risk that if the child were born, it would suffer from any serious physical or mental abnormality.

Explanation 1.—For the purposes of clause (a), where any pregnancy occurs as a result of failure of any device or method used by any woman or her partner for the purpose of limiting the number of children or preventing pregnancy, the anguish caused by such pregnancy may be presumed to constitute a grave injury to the mental health of the pregnant woman.

Explanation 2.—For the purposes of clauses (a) and (b), where any pregnancy is alleged by the pregnant woman to have been caused by rape, the anguish caused by the pregnancy shall be presumed to constitute a grave injury to the mental health of the pregnant woman.

(2A) The norms for the registered medical practitioner whose opinion is required for termination of pregnancy at different gestational age shall be such as may be prescribed by rules made under this Act.

(2B) The provisions of sub-section (2) relating to the length of the pregnancy shall not apply to the termination of pregnancy by the medical practitioner where such termination is necessitated by the diagnosis of any of the substantial foetal abnormalities diagnosed by a Medical Board.

(2C) Every State Government or Union territory, as the case may be, shall, by notification in the Official Gazette, constitute a Board to be called a Medical Board for the purposes of this Act to exercise such powers and functions as may be prescribed by rules made under this Act.

(2D) The Medical Board shall consist of the following, namely:—

(a) a Gynaecologist;

(b) a Paediatrician;

(c) a Radiologist or Sonologist; and

(d) such other number of members as may be notified in the Official Gazette by the State Government or Union territory, as the case may be."

4. After section 5 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 5A.

"5A. (1) No registered medical practitioner shall reveal the name and other particulars of a woman whose pregnancy has been terminated under this Act except to a person authorised by any law for the time being in force.

Protection of privacy of a woman.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one year, or with fine, or with both."

5. In section 6 of the principal Act, in sub-section (2), after clause (a), the following clauses shall be inserted, namely:—

Amendment of section 6.

"(aa) the category of woman under clause (b) of sub-section (2) of section 3;

(ab) the norms for the registered medical practitioner whose opinion is required for termination of pregnancy at different gestational age under sub-section (2A) of section 3;

(ac) the powers and functions of the Medical Board under sub-section (2C) of section 3."

STATEMENT OF OBJECTS AND REASONS

The Medical Termination of Pregnancy Act, 1971 (34 of 1971) was enacted to provide for the termination of certain pregnancies by registered medical practitioners and for matters connected therewith or incidental thereto. The said Act recognised the importance of safe, affordable, accessible abortion services to women who need to terminate pregnancy under certain specified conditions.

2. With the passage of time and advancement of medical technology for safe abortion, there is a scope for increasing upper gestational limit for terminating pregnancies especially for vulnerable women and for pregnancies with substantial foetal anomalies detected late in pregnancy. Further, there is also a need for increasing access of women to legal and safe abortion service in order to reduce maternal mortality and morbidity caused by unsafe abortion and its complications. Considering the need and demand for increased gestational limit under certain specified conditions and to ensure safety and well-being of women, it is proposed to amend the said Act. Besides this, several Writ Petitions have been filed before the Supreme Court and various High Courts seeking permission for aborting pregnancies at gestational age beyond the present permissible limit on the grounds of foetal abnormalities or pregnancies due to sexual violence faced by women.

3. Accordingly, the Medical Termination of Pregnancy (Amendment) Bill, 2020, *inter alia*, provides for,—

(a) requirement of opinion of one registered medical practitioner for termination of pregnancy up to twenty weeks of gestation;

(b) requirement of opinion of two registered medical practitioners for termination of pregnancy of twenty to twenty-four weeks of gestation;

(c) enhancing the upper gestation limit from twenty to twenty-four weeks for such category of woman as may be prescribed by rules in this behalf;

(d) non applicability of the provisions relating to the length of pregnancy in cases where the termination of pregnancy is necessitated by the diagnosis of any of the substantial foetal abnormalities diagnosed by a Medical Board;

(e) protection of privacy of a woman whose pregnancy has been terminated.

4. The proposed Bill is a step towards safety and well-being of women and will enlarge the ambit and access of women to safe and legal abortion without compromising on safety and quality of care. The proposal will also ensure dignity, autonomy, confidentiality and justice for women who need to terminate pregnancy.

5. The Bill seeks to achieve the above objects.

NEW DELHI;
The 14th February, 2020.

DR. HARSH VARDHAN.

BILL NO. 60 OF 2020

A Bill further to amend the Mines and Minerals (Development and Regulation) Act, 1957 and to amend the Coal Mines (Special Provisions) Act, 2015.

BE it enacted by Parliament in the Seventy-first Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Mineral Laws (Amendment) Act, 2020.

(2) It shall be deemed to have come into force on the 10th day of January, 2020.

(3) Without prejudice to the effect of the amendments made by this Act, it shall remain in force for a period of sixty days from the date of assent by the President and shall be deemed to have been repealed after the expiry of the said period.

Short title,
commencement
and operation.

CHAPTER II

AMENDMENTS TO THE MINES AND MINERALS
(DEVELOPMENT AND REGULATION) ACT, 1957

Insertion of new section 4B.	2. In the Mines and Minerals (Development and Regulation) Act, 1957 (hereafter in this Chapter referred to as the principal Act), after section 4A, the following section shall be inserted, namely:—	67 of 1957.
Conditions for efficiency in production.	"4B. Notwithstanding anything contained in section 4A, the Central Government may, in the interest of maintaining sustained production of minerals in the country, prescribe such conditions as may be necessary for commencement and continuation of production by the holders of mining leases who have acquired rights, approvals, clearances and the like under section 8B."	
Amendment of section 5.	3. In section 5 of the principal Act, in sub-section (1), after the proviso, the following proviso shall be inserted, namely:— "Provided further that the previous approval of the Central Government shall not be required for grant of reconnaissance permit, prospecting licence or mining lease in respect of the minerals specified in Part A of the First Schedule, where,— (i) an allocation order has been issued by the Central Government under section 11A; or (ii) a notification of reservation of area has been issued by the Central Government or the State Government under sub-section (1A) or sub-section (2) of section 17A; or (iii) a vesting order or an allotment order has been issued by the Central Government under the provisions of the Coal Mines (Special Provisions) Act, 2015."	11 of 2015.
Amendment of section 8A.	4. In section 8A of the principal Act, in sub-section (4), the following proviso shall be inserted, namely:— "Provided that nothing contained in this section shall prevent the State Governments from taking an advance action for auction of the mining lease before the expiry of the lease period."	
Insertion of new section 8B.	5. After section 8A of the principal Act, the following section shall be inserted, namely:—	
Provisions for transfer of statutory clearances.	"8B. (1) The provisions of this section shall apply to minerals, other than the minerals specified in Part A and Part B of the First Schedule. (2) Notwithstanding anything contained in this Act or any other law for the time being in force, the successful bidder of mining leases expiring under the provisions of sub-sections (5) and (6) of section 8A and selected through auction as per the procedure provided under this Act and the rules made thereunder, shall be deemed to have acquired all valid rights, approvals, clearances, licences and the like vested with the previous lessee for a period of two years: Provided that subject to such conditions as may be prescribed, such new lessee shall apply and obtain all necessary rights, approvals, clearances, licences and the like within a period of two years from the date of grant of new lease. (3) Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the new lessee to continue mining operations on the land, in which mining operations were being carried out by the previous lessee, for a period of two years from the date of commencement of the new lease."	

6. In section 10C of the principal Act, in sub-section (2), the following shall be inserted, namely:

Amendment
of
section 10C.

"Provided that the holder of non-exclusive reconnaissance permit who carries out the prescribed level of exploration in respect of deep seated minerals or such minerals as may be notified by the Central Government, may submit an application to the State Government for the grant of any prospecting licence-cum-mining lease as per the procedure laid down under section 11 or a mining lease as per the procedure laid down under section 10B and with a view to increase the reconnaissance and prospecting operations of such minerals, the Central Government shall prescribe such procedure, including the bidding parameters for selection of such holders.

Explanation.—For the purposes of this sub-section, the expression "deep seated minerals" means such minerals which occur at a depth of more than three hundred meters from the surface of land with poor surface manifestations."

7. In section 11A of the principal Act,—

Amendment
of
section 11A.

(i) in the marginal heading, after the words "or mining lease", the words "or prospecting licence-cum-mining lease in respect of coal or lignite" shall be inserted;

(ii) in sub-section (1)—

(a) in the opening portion, for the words "in respect of any area containing coal or lignite", the words "or prospecting licence-cum-mining lease in respect of coal or lignite" shall be substituted;

(b) for the long line, the following long line shall be substituted, namely:—

"to carry on coal or lignite reconnaissance or prospecting or mining operations, for own consumption, sale or for any other purpose as may be determined by the Central Government";

(c) the following proviso shall be inserted, namely:

"Provided that the auction by competitive bidding under this section shall not be applicable to coal or lignite—

(a) where such area is considered for allotment to a Government company or corporation or a joint venture company formed by such company or corporation or between the Central Government or the State Government, as the case may be, for own consumption, sale or for any other purpose as may be determined by the Central Government;

(b) where such area is considered for allotment to a company or corporation that has been awarded a power project on the basis of competitive bid for tariff (including Ultra Mega Power Projects).";

(iii) in sub-section (3),—

(a) after the words "mining lease", the words "or prospecting licence-cum-mining lease" shall be inserted;

(b) for the words "competitive bidding or otherwise", the words "competitive bidding or through allotment" shall be substituted.

8. In section 13 of the principal Act, in sub-section (2),—

Amendment
of section 13.

(i) after clause (a), the following clauses shall be inserted, namely:—

"(aa) the conditions as may be necessary for commencement and continuation of production by the holders of mining leases, under section 4B;

(ab) the conditions to be fulfilled by the new lessee for obtaining all necessary rights, approvals, clearances, licences and the like under the proviso to sub-section (2) of section 8B;

(ac) the level of exploration in respect of deep seated minerals or such minerals and the procedure, including the bidding parameters for selection of the holders under the proviso to sub-section (2) of section 10C;"

(ii) for clause (d), the following clauses shall be substituted, namely:—

"(d) the terms, conditions and process of auction by competitive bidding and allotment in respect of coal or lignite;

(da) the regulation of grant of reconnaissance permit, prospecting licence, mining lease or prospecting licence-cum-mining lease in respect of coal or lignite;

(db) the details of mines and their location, the minimum size of such mines and such other conditions which may be necessary for the purpose of coal or lignite reconnaissance, prospecting or mining operations;

(dc) utilisation of coal or lignite including mining for sale by a company;"

Amendment of section 17A. **9.** In section 17A of the principal Act, in sub-section (2A), in the proviso, the words and letter "Part A and" shall be omitted.

CHAPTER III

AMENDMENTS TO THE COAL MINES (SPECIAL PROVISIONS) ACT, 2015

Amendment of section 4. **10.** In section 4 of the Coal Mines (Special Provisions) Act, 2015 (hereafter in this Chapter referred to as the principal Act),— 11 of 2015.

(i) in sub-section (2),—

(a) in the opening portion, for the words "in respect of any area containing coal", the words "or prospecting licence-cum-mining lease in respect of coal" shall be substituted;

(b) for the long line, the following long line shall be substituted, namely:—

"to carry on coal reconnaissance or prospecting or mining operations, for own consumption, sale or for any other purpose as may be determined by the Central Government, and the State Government shall grant such reconnaissance permit, prospecting licence, mining lease or prospecting licence-cum-mining lease in respect of Schedule I coal mine to such company as selected through auction by competitive bidding under this section.";

(ii) sub-section (3) shall be omitted.

Amendment of section 5. **11.** In section 5 of the principal Act, in sub-section (1),—

(i) for the words, brackets and figures "sub-sections (1) and (3)", the words, brackets and figures "sub-sections (1) and (2)" shall be substituted;

(ii) for the words "or mining lease in respect of any area containing coal", the words ", mining lease or prospecting licence-cum-mining lease in respect of such Schedule I coal mine" shall be substituted;

(iii) in the first proviso, for the words "in accordance with the permit, prospecting licence or mining lease, as the case may be", the words "as may be determined by the Central Government" shall be substituted.

Amendment of section 8. **12.** In section 8 of the principal Act,—

(i) in sub-section (4), in clause (b), for the words "a mining lease", the words, "prospecting licence, mining lease or prospecting licence-cum-mining lease, as the case may be" shall be substituted;

(ii) in sub-section (8), for the words "a prospecting licence or a mining lease", the words "prospecting licence, mining lease or prospecting licence-cum-mining lease" shall be substituted;

(iii) in sub-section (9), for the words "a prospecting licence or a mining lease", the words "prospecting licence, mining lease or prospecting licence-cum-mining lease" shall be substituted;

(iv) after sub-section (12), the following sub-sections shall be inserted, namely:—

"(13) The vesting order or allotment order may be terminated by the nominated authority in such manner as may be prescribed.

(14) Upon termination of vesting order or allotment order, the nominated authority may auction the coal mine under section 4 or allot the coal mine under section 5 as may be determined by the Central Government.

(15) The successful bidder or allottee of the coal mine whose vesting order or allotment order has been terminated shall be deemed to be the prior allottee for the purposes of immediate next auction or allotment of the said coal mine."

13. In section 9 of the principal Act,—

Amendment
of section 9.

(i) in the opening portion, for the portion beginning with the words "The proceeds arising out of land" and ending with the words "as may be prescribed.", the following shall be substituted, namely:—

"The compensation for land and mine infrastructure in relation to a Schedule I coal mine as valued in accordance with section 16 shall be deposited by the successful bidder or allottee with the nominated authority and shall be disbursed maintaining, *inter alia*, the following priority of payments and in accordance with the relevant laws and such rules as may be prescribed.";

(ii) in clause (b), for the words "compensation payable", the words "amount payable" shall be substituted."

14. In section 18 of the principal Act, in sub-section (1), for the words and figure "allotment of Schedule I coal mines is not complete", the words and figures "allotment of Schedule II coal mines is not complete, or vesting order or allotment order issued under this Act has been terminated in case of a coal mine under production," shall be substituted.

Amendment
of section 18.

15. In section 20 of the principal Act,—

Amendment
of section 20.

(i) in sub-section (1), for the words "A successful bidder or allottee or coal linkage holder shall", the words "A successful bidder or allottee shall" shall be substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) A successful bidder or allottee may also use the coal mine from a particular Schedule I coal mine, in any of its plants or plant of its subsidiary or holding company engaged in same specified end-uses in such manner as may be prescribed."

16. In section 31 of the principal Act, in sub-section (2),—

Amendment
of section 31.

(i) in clause (b), for the words "prospecting licence or mining lease", the words "prospecting licence, mining lease or prospecting licence-cum-mining lease" shall be substituted;

(ii) after clause (I), the following clause shall be inserted, namely:—

"(Ia) the manner of termination of vesting order or allotment order under sub-section (13) of section 8;"

Repeal and
savings.

17. (1) The Mineral Laws (Amendment) Ordinance, 2020 is hereby repealed.

Ord. 1 of
2020.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Mines and Minerals (Development and Regulation) Act, 1957 (the Mines and Minerals Act) was enacted with a view to provide for the development and regulation of mines and minerals under the control of the Union.

2. The Coal Mines (Special Provisions) Act, 2015 (the Coal Mines Act) was enacted to provide for allocation of coal mines and vesting of the right, title and interest in and over the land and mine infrastructure together with mining leases to successful bidders and allottees with a view to ensure continuity in coal mining operations and production of coal, and for promoting optimum utilisation of coal resources consistent with the requirement of the country in national interest.

3. The mining leases in respect of 334 mines of iron ore, manganese ore and chromite are expiring on 31st March, 2020, out of which 46 are working non-captive mines. It has been observed that some of the States have initiated action to auction these blocks. However, the mines allocated through auction can start mining operations only after obtaining as many as twenty clearances from different Government agencies. This process is causing inordinate-delay in commencing of mining operations and subsequent production of the minerals. Further, during the allocation of coal blocks under the Mines and Minerals Act and the Coal Mines Act, certain difficulties have arisen which need to be addressed immediately.

4. To overcome the aforesaid difficulties in mining sector, it has become necessary to make certain amendments in the Mines and Minerals Act and the Coal Mines Act so as to facilitate seamless transfer of all valid rights, approvals, clearances, licenses and the like for a period of two years to a new lessee in case of minerals other than coal, lignite and atomic minerals.

5. The Mineral Laws (Amendment) Bill, 2020 which seeks to replace the Mineral Laws (Amendment) Ordinance, 2020, *inter alia*, provides for the following, namely:—

(i) to insert a new section 4B in Mines and Minerals Act empowering the Central Government to prescribe conditions for sustained production of minerals by the holders of mining leases who have acquired rights under section 8B;

(ii) to insert a new section 8B in the Mines and Minerals Act relating to provisions for transfer of statutory clearances;

(iii) to amend section 5 of the Mines and Minerals Act to provide for the dispensation of the previous approval of the Central Government in respect of minerals specified in part A of the First Schedule;

(iv) to amend section 10C of the Mines and Minerals Act to provide incentives for exploration of deep seated minerals and their auction;

(v) to amend section 11A of the Mines and Minerals Act so as to provide for allocation of coal blocks for composite prospecting licence-cum-mining lease;

(vi) to amend section 4 of the Coal Mines Act so as to clarify the power of the Central Government to allocate mines for any purpose;

(vii) to amend sections 4, 5 and 8 of the Coal Mines Act for allocation of coal mines for composite prospecting licence-cum-mining lease; and

(viii) to amend section 9 of the Coal Mines Act so as to clarify the priority of disbursement of amount of compensation.

6. As the Parliament was not in session and an urgent legislation was required to be made, the President promulgated the Mineral Laws Ordinance, 2020 (Ord. 1 of 2020) under clause (1) of article 123 of the Constitution.

7. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 20th February, 2020.

PRALHAD JOSHI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Mineral Laws (Amendment) Bill, 2020 seeks to amend sub-section (2) of section 13 of the Mines and Minerals (Development and Regulation) Act, 1957 that empowers the Central Government to make rules by notification in the Official Gazette for providing of all or any of the following matters:—

(i) the conditions as may be necessary for commencement and continuation of production by the holders of mining leases, under section 4B;

(ii) the conditions to be fulfilled by the new lessee for obtaining all necessary rights, approvals, clearances, licences and the like under the proviso to sub-section (2) of section 8B;

(iii) the level of exploration in respect of deep seated minerals or such minerals and the procedure, including the bidding parameters for selection of the holders under the proviso to sub-section (2) of section 10C;

(iv) the terms, conditions and process of auction by competitive bidding and allotment in respect of coal or lignite under section 11A;

(v) the regulation of grant of reconnaissance permit, prospecting licence, mining lease or prospecting licence-cum-mining lease in respect of coal or lignite under section 11A;

(vi) the details of mines and their location, the minimum size of such mines and such other conditions which may be necessary for the purpose of coal or lignite reconnaissance, prospecting or mining operations under section 11A;

(vii) utilisation of coal or lignite including mining for sale by a company under section 11A.

Clause 16 of the Bill seeks to amend sub section (2) of section 31 of the Coal Mines (Special Provisions) Act, 2015 that empowers the Central Government to make rules by notification in the Official Gazette for providing all or any of the following matters:—

(i) the terms and conditions for granting reconnaissance permit, prospecting license, mining lease or prospecting license-cum-mining lease and the manner and conditions of competitive bidding under sub-section (2) of section 4;

(ii) the manner of termination of vesting order or allotment order under sub-section (13) of section 8.

2. The matters in respect of which the said rules may be made are matters of procedure and administrative detail, and as such, it is not practicable to provide for them in the proposed Bill itself. The delegation of legislative power is, therefore, of a normal character.

SNEHLATA SHRIVASTAVA,
Secretary-General.